

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

HAYWARD INDUSTRIES, INC.,
Plaintiff, Counterclaim Defendant

v.

Civil Action No. 3:20-CV-710 -MOC-DSC

BLUEWORKS CORPORATION,
BLUEWORKS INNOVATION
CORPORATION, NINGBO C.F.
ELECTRONIC TECH CO., LTD; NINGBO
YISHANG IMPORT AND EXPORT CO.,
LTD.

Defendants, Counterclaim Plaintiffs.

HAYWARD'S EIGHTH *EMERGENCY* MOTION TO EXTEND TRO

Hayward Industries, Inc. ("Hayward") respectfully moves this Court for an order (a) extending the Court's Temporary Restraining Order (Doc. No. 393) or, alternatively, converting the terms of the TRO into an injunction continuing the restraint on the transfer of Defendants' assets and/or (b) requiring Defendants to post a security bond sufficient to satisfy the Judgment (Doc. No. 448). Hayward is seeking this relief by emergency motion because the TRO is set to expire shortly.

Given the pending bankruptcy proceedings, Hayward is seeking the extension as against the three non-debtor Defendants, Blueworks Innovation, Ningbo Electronic Tech, and Ningbo Yishang Imports, and those acting in concert with them. It is important, however, that the Court's TRO apply to Debtor Defendant Blueworks Corporation upon dissolution of the automatic stay so that there is not a period of time when Blueworks Corporation is able to transfer assets to avoid execution on the judgment if the automatic stay is lifted or the bankruptcy proceeding is dismissed.

Counsel for Hayward has conferred with counsel for Defendants who confirmed by email, dated June 28, 2024, that Defendants oppose this motion. Despite opposing Hayward's request to extend the TRO, Defendants are also currently asking the Court to indefinitely delay post-judgment discovery and stay execution of the Judgment, i.e., they seek access to their assets immediately and to delay Hayward's ability to collect on the Judgment.

Respectfully submitted this 9th day of August,
2024,

s/ Russ Ferguson

Russ Ferguson (N.C. Bar No. 39671)
Womble Bond Dickinson (US) LLP
One Wells Fargo Center
301 South College Street
Charlotte, NC 28202
Russ.Ferguson@wbd-us.com

Erik Paul Belt (*pro hac vice admitted*)
ebelt@mccarter.com
James Donoian (*pro hac vice admitted*)
jdonoian@mccarter.com
Anne E. Shannon (*pro hac vice admitted*)
ashannon@mccarter.com
Siobhan M. Tolan (*pro hac vice admitted*)
stolan@mccarter.com
Alexander L. Ried (*pro hac vice admitted*)
aried@mccarter.com
McCarter & English, LLP
265 Franklin Street
Boston, MA 02110
T: (617) 449-6500